

108TH CONGRESS
1ST SESSION

S. 1533

To prevent the crime of identity theft, mitigate the harm to individuals throughout the Nation who have been victimized by identity theft, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31 (legislative day, JULY 21), 2003

Ms. CANTWELL (for herself and Mr. ENZI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prevent the crime of identity theft, mitigate the harm to individuals throughout the Nation who have been victimized by identity theft, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Identity Theft Victims
5 Assistance Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The crime of identity theft is the fastest
9 growing crime in the United States. According to a

1 recent estimate, 7,000,000 Americans were victims
2 of identity theft in the past year, a 79 percent in-
3 crease over previous estimates.

4 (2) Stolen identities are often used to per-
5 petrate crimes in many cities and States, making it
6 more difficult for consumers to restore their respec-
7 tive identities.

8 (3) Identity theft cost consumers more than
9 \$745,000,000 in 1998 and has increased dramati-
10 cally in the last few years. The credit card industry
11 alone lost an estimated \$144.3 million in 2000.

12 (4) Identity theft is ruinous to the good name
13 and credit of consumers whose identities are mis-
14 appropriated, and consumers may be denied other-
15 wise deserved credit and may have to spend enor-
16 mous time, effort, and money to restore their respec-
17 tive identities.

18 (5) Victims are often required to contact nu-
19 merous Federal, State, and local law enforcement
20 agencies and creditors over many years as each
21 event of fraud arises.

22 (6) As of the date of enactment of this Act, a
23 national mechanism does not exist to assist identity
24 theft victims to obtain evidence of identity theft, re-

1 store their credit, and regain control of their respec-
2 tive identities.

3 (7) Victims of identity theft need a nationally
4 standardized means of—

5 (A) establishing their true identities and
6 claims of identity theft to all business entities,
7 credit reporting agencies, and Federal and
8 State law enforcement agencies;

9 (B) obtaining information documenting
10 fraudulent transactions from business entities;

11 (C) reporting identity theft to consumer
12 credit reporting agencies.

13 (8) One of the greatest law enforcement chal-
14 lenges posed by identity theft is that stolen identities
15 are often used to perpetrate crimes in many dif-
16 ferent localities in different States, and although
17 identity theft is a Federal crime, most often, State
18 and local law enforcement agencies are responsible
19 for investigating and prosecuting the crimes.

20 (9) Law enforcement, business entities, credit
21 reporting agencies, and government agencies have a
22 shared responsibility to assist victims of identity
23 theft to mitigate the harm caused by any fraud per-
24 petrated in the name of the victims.

1 **SEC. 3. TREATMENT OF IDENTITY THEFT MITIGATION.**

2 (a) IN GENERAL.—Chapter 47 of title 18, United
3 States Code, is amended by adding after section 1028 the
4 following:

5 **“§ 1028A. Treatment of identity theft mitigation**

6 “(a) DEFINITIONS.—As used in this section—

7 “(1) the term ‘business entity’ means any cor-
8 poration, trust, partnership, sole proprietorship, or
9 unincorporated association, including any financial
10 service provider, financial information repository,
11 creditor (as that term is defined in section 103 of
12 the Truth in Lending Act (15 U.S.C. 1602)), tele-
13 communications, utilities, or other service provider;

14 “(2) the term ‘consumer’ means an individual;

15 “(3) the term ‘financial information’ means in-
16 formation identifiable as relating to an individual
17 consumer that concerns the amount and conditions
18 of the assets, liabilities, or credit of the consumer,
19 including—

20 “(A) account numbers and balances;

21 “(B) nonpublic personal information, as
22 that term is defined in section 509 of the
23 Gramm-Leach-Bliley Act (15 U.S.C. 6809); and

24 “(C) codes, passwords, social security
25 numbers, tax identification numbers, State
26 identifier numbers issued by a State depart-

1 ment of licensing, and other information used
2 for the purpose of account access or transaction
3 initiation;

4 “(4) the term ‘financial information repository’
5 means a person engaged in the business of providing
6 services to consumers who have a credit, deposit,
7 trust, stock, or other financial services account or
8 relationship with that person;

9 “(5) the term ‘identity theft’ means a violation
10 of section 1028 or any other similar provision of ap-
11 plicable Federal or State law;

12 “(6) the term ‘means of identification’ has the
13 same meaning given the term in section 1028;

14 “(7) the term ‘victim’ means a consumer whose
15 means of identification or financial information has
16 been used or transferred (or has been alleged to
17 have been used or transferred) without the authority
18 of that consumer with the intent to commit, or with
19 the intent to aid or abet, an identity theft; and

20 “(8) the terms not defined in this section or
21 otherwise defined in section 3(s) of the Federal De-
22 posit Insurance Act (12 U.S.C. 1813(s)) shall have
23 the meaning given to them in section 1(b) of the
24 International Banking Act of 1978 (12 U.S.C.
25 3101).

1 “(b) INFORMATION AVAILABLE TO VICTIMS.—

2 “(1) IN GENERAL.—A business entity that pos-
 3 sesses information relating to an alleged identity
 4 theft, or that has entered into a transaction, pro-
 5 vided credit, provided, for consideration, products,
 6 goods, or services, accepted payment, otherwise en-
 7 tered into a commercial transaction for consideration
 8 with a person that has made unauthorized use of the
 9 means of identification of the victim, or possesses in-
 10 formation relating to such transaction, shall, not
 11 later than 20 days after the receipt of a written re-
 12 quest by the victim, meeting the requirements of
 13 subsection (c), provide, without charge, a copy of all
 14 application and business transaction information re-
 15 lated to the transaction being alleged as an identity
 16 theft to—

17 “(A) the victim;

18 “(B) any Federal, State, or local governing
 19 law enforcement agency or officer specified by
 20 the victim in such a request; or

21 “(C) any law enforcement agency inves-
 22 tigating the identity theft and authorized by the
 23 victim to take receipt of records provided under
 24 this section.

25 “(2) RULE OF CONSTRUCTION.—

1 “(A) IN GENERAL.—No provision of Fed-
2 eral or State law prohibiting the disclosure of
3 financial information by a business entity to
4 third parties shall be used to deny disclosure of
5 information to the victim under this section.

6 “(B) LIMITATION.—Except as provided in
7 subparagraph (A), nothing in this section per-
8 mits a business entity to disclose information
9 that the business entity is otherwise prohibited
10 from disclosing under any other applicable pro-
11 vision of Federal or State law.

12 “(c) VERIFICATION OF IDENTITY AND CLAIM.—Un-
13 less a business entity, at its discretion, is otherwise able
14 to verify the identity of a victim making a request under
15 subsection (b)(1), the victim shall provide to the business
16 entity—

17 “(1) as proof of positive identification, at the
18 election of the business entity—

19 “(A) the presentation of a government-
20 issued identification card;

21 “(B) if providing proof by mail, a copy of
22 a government-issued identification card; or

23 “(C) upon the request of the person seek-
24 ing business records, the business entity may
25 inform the requesting person of the categories

1 of identifying information that the unauthorized
2 person provided the business entity as person-
3 ally identifying information, and may require
4 the requesting person to provide identifying in-
5 formation in those categories; and

6 “(2) as proof of a claim of identity theft, at the
7 election of the business entity—

8 “(A) a copy of a police report evidencing
9 the claim of the victim of identity theft;

10 “(B) a properly completed copy of a stand-
11 ardized affidavit of identity theft developed and
12 made available by the Federal Trade Commis-
13 sion; or

14 “(C) any properly completed affidavit of
15 fact that is acceptable to the business entity for
16 that purpose.

17 “(d) LIMITATION ON LIABILITY.—No business entity
18 may be held liable for a disclosure, made in good faith
19 and reasonable judgment, to provide information under
20 this section with respect to an individual in connection
21 with an identity theft to other business entities, law en-
22 forcement authorities, victims, or any person alleging to
23 be a victim, if—

24 “(1) the business entity complies with sub-
25 section (c); and

1 “(2) such disclosure was made—

2 “(A) for the purpose of detection, inves-
3 tigation, or prosecution of identity theft; or

4 “(B) to assist a victim in recovery of fines,
5 restitution, rehabilitation of the credit of the
6 victim, or such other relief as may be appro-
7 priate.

8 “(e) **AUTHORITY TO DECLINE TO PROVIDE INFOR-**
9 **MATION.**—A business entity may decline to provide infor-
10 mation under subsection (b) if, in the exercise of good
11 faith and reasonable judgment, the business entity deter-
12 mines that—

13 “(1) this section does not require disclosure of
14 the information;

15 “(2) the request for the information is based on
16 a misrepresentation of fact by the victim relevant to
17 the request for information; or

18 “(3) the information requested is Internet navi-
19 gational data or similar information about a person’s
20 visit to a website or online service.

21 “(f) **NO NEW RECORDKEEPING OBLIGATION.**—Noth-
22 ing in this section creates an obligation on the part of a
23 business entity to obtain, retain, or maintain information
24 or records that are not otherwise required to be obtained,

1 retained, or maintained in the ordinary course of its busi-
 2 ness or under other applicable law.

3 “(g) AFFIRMATIVE DEFENSE.—In any civil action
 4 brought to enforce this section, it is an affirmative defense
 5 (which the defendant must establish by a preponderance
 6 of the evidence) for a business entity to file an affidavit
 7 or answer stating that—

8 “(1) the business entity has made a reasonable
 9 diligent search of its available business records; and

10 “(2) the records requested under this section do
 11 not exist or are not available.

12 “(h) NO PRIVATE RIGHT OF ACTION.—Nothing in
 13 this section shall be construed to provide a private right
 14 of action or claim for relief.

15 “(i) ENFORCEMENT.—

16 “(1) INJUNCTIVE ACTIONS BY THE ATTORNEY
 17 GENERAL.—

18 “(A) IN GENERAL.—Whenever it appears
 19 that a business entity to which this section ap-
 20 plies has engaged, is engaged, or is about to en-
 21 gage, in any act or practice constituting a viola-
 22 tion of this section, the Attorney General of the
 23 United States may bring a civil action in an ap-
 24 propriate district court of the United States
 25 to—

1 “(i) enjoin such act or practice;

2 “(ii) enforce compliance with this sec-
3 tion; and

4 “(iii) obtain such other equitable relief
5 as the court determines to be appropriate.

6 “(B) OTHER INJUNCTIVE RELIEF.—Upon
7 a proper showing in the action under subpara-
8 graph (A), the court shall grant a permanent
9 injunction or a temporary restraining order
10 without bond.

11 “(2) ADMINISTRATIVE ENFORCEMENT.—

12 “(A) FEDERAL TRADE COMMISSION.—

13 “(i) IN GENERAL.—Except to the ex-
14 tent that administrative enforcement is
15 specifically committed to another agency
16 under subparagraph (B), a violation of this
17 section shall be deemed an unfair or decep-
18 tive act or practice in violation of the Fed-
19 eral Trade Commission Act (15 U.S.C. 41
20 et seq.), for purposes of the exercise by the
21 Federal Trade Commission of its functions
22 and powers under that Act.

23 “(ii) AVAILABLE FUNCTIONS AND
24 POWERS.—All of the functions and powers
25 of the Federal Trade Commission under

1 the Federal Trade Commission Act are
2 available to the Commission to enforce
3 compliance by any person with this section.

4 “(B) OTHER FEDERAL AGENCIES.—Com-
5 pliance with any requirements under this sec-
6 tion may be enforced—

7 “(i) under section 8 of the Federal
8 Deposit Insurance Act (12 U.S.C. 1818)—

9 “(I) by the Office of the Comp-
10 troller of the Currency, with respect
11 to national banks, and Federal
12 branches and Federal agencies of for-
13 eign banks (except brokers, dealers,
14 persons providing insurance, invest-
15 ment companies, and investment ad-
16 visers);

17 “(II) by the Board of Governors
18 of the Federal Reserve System, with
19 respect to member banks of the Fed-
20 eral Reserve System (other than na-
21 tional banks), branches and agencies
22 of foreign banks (other than Federal
23 branches, Federal agencies, and in-
24 sured State branches of foreign
25 banks), commercial lending companies

1 owned or controlled by foreign banks,
2 and organizations operating under
3 section 25 or 25A of the Federal Re-
4 serve Act (12 U.S.C. 601 et seq. and
5 611 et seq.);

6 “(III) by the Board of Directors
7 of the Federal Deposit Insurance Cor-
8 poration, with respect to banks in-
9 sured by the Federal Deposit Insur-
10 ance Corporation (other than mem-
11 bers of the Federal Reserve System),
12 insured State branches of foreign
13 banks, and any subsidiaries of such
14 entities (except brokers, dealers, per-
15 sons providing insurance, investment
16 companies, and investment advisers);
17 and

18 “(IV) by the Director of the Of-
19 fice of Thrift Supervision, with re-
20 spect to savings associations, the de-
21 posits of which are insured by the
22 Federal Deposit Insurance Corpora-
23 tion, and any subsidiaries of such sav-
24 ings associations (except brokers,
25 dealers, persons providing insurance,

1 investment companies, and investment
2 advisers);

3 “(ii) by the Board of the National
4 Credit Union Administration, under the
5 Federal Credit Union Act (12 U.S.C. 1751
6 et seq.), with respect to any federally in-
7 sured credit union, and any subsidiaries of
8 such credit union;

9 “(iii) by the Securities and Exchange
10 Commission, under the Securities Ex-
11 change Act of 1934 (15 U.S.C. 78a et
12 seq.), with respect to any broker or dealer;

13 “(iv) by the Securities and Exchange
14 Commission, under the Investment Com-
15 pany Act of 1940 (15 U.S.C. 80a–1 et
16 seq.), with respect to investment compa-
17 nies;

18 “(v) by the Securities and Exchange
19 Commission, under the Investment Advis-
20 ers Act of 1940 (15 U.S.C. 80b–1 et seq.),
21 with respect to investment advisers reg-
22 istered with the Commission under such
23 Act;

24 “(vi) by the Secretary of Transpor-
25 tation, under subtitle IV of title 49, with

1 respect to all carriers subject to the juris-
2 diction of the Surface Transportation
3 Board;

4 “(vii) by the Secretary of Transpor-
5 tation, under part A of subtitle VII of title
6 49, with respect to any air carrier or any
7 foreign air carrier subject to that part; and

8 “(viii) by the Secretary of Agriculture,
9 under the Packers and Stockyards Act,
10 1921 (7 U.S.C. 181 et seq.), except as pro-
11 vided in section 406 of that Act (7 U.S.C.
12 226, 2271), with respect to any activities
13 subject to that Act.

14 “(C) AGENCY POWERS.—

15 “(i) IN GENERAL.—A violation of any
16 requirement imposed under this section
17 shall be deemed to be a violation of a re-
18 quirement imposed under any Act referred
19 to under subparagraph (B), for the pur-
20 pose of the exercise by any agency referred
21 to under subparagraph (B) of its powers
22 under any such Act.

23 “(ii) RULE OF CONSTRUCTION.—
24 Nothing in this section shall be construed
25 to prevent a Federal agency from exer-

cising the powers conferred upon such
agency by Federal law to—

“(I) conduct investigations;

“(II) administer oaths or affirmations; or

“(III) compel the attendance of witnesses or the production of documentary or other evidence.

“(3) PARENS PATRIAE AUTHORITY.—

“(A) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been, or is threatened to be, adversely affected by a violation of this section by any business entity, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

“(i) enjoin that practice;

“(ii) enforce compliance with this section;

“(iii) obtain damages—

“(I) in the sum of actual damages, restitution, and other compensa-

1 tion on behalf of the affected residents
2 of the State; and

3 “(II) punitive damages, if the
4 violation is willful or intentional; and

5 “(iv) obtain such other equitable relief
6 as the court may consider to be appro-
7 priate.

8 “(B) NOTICE.—Before filing an action
9 under subparagraph (A), the attorney general
10 of the State involved shall, if practicable, pro-
11 vide to the Attorney General of the United
12 States, and where applicable, to the appropriate
13 Federal agency with the authority to enforce
14 this section under paragraph (2)—

15 “(i) a written notice of the action; and

16 “(ii) a copy of the complaint for the
17 action.

18 “(4) INTERVENTION.—

19 “(A) IN GENERAL.—On receiving notice of
20 an action under paragraph (3), the Attorney
21 General of the United States, and any Federal
22 agency with authority to enforce this section
23 under paragraph (2), shall have the right to in-
24 tervene in that action.

1 “(B) EFFECT OF INTERVENTION.—Any
 2 person or agency under subparagraph (A) that
 3 intervenes in an action under paragraph (2)
 4 shall have the right to be heard on all relevant
 5 matters arising therein.

6 “(C) SERVICE OF PROCESS.—Upon the re-
 7 quest of the Attorney General of the United
 8 States or any Federal agency with the authority
 9 to enforce this section under paragraph (2), the
 10 attorney general of a State that has filed an ac-
 11 tion under this section shall, pursuant to rule
 12 4(d)(4) of the Federal Rules of Civil Procedure,
 13 serve the Attorney General of the United States
 14 or the head of such Federal agency, with a copy
 15 of the complaint.

16 “(5) CONSTRUCTION.—For purposes of bring-
 17 ing any civil action under this subsection, nothing in
 18 this section shall be construed to prevent an attor-
 19 ney general of a State from exercising the powers
 20 conferred on such attorney general by the laws of
 21 that State to—

22 “(A) conduct investigations;

23 “(B) administer oaths or affirmations; or

1 “(C) compel the attendance of witnesses or
 2 the production of documentary and other evi-
 3 dence.

4 “(6) LIMITATION ON STATE ACTION WHILE
 5 FEDERAL ACTION IS PENDING.—In any case in
 6 which an action is instituted by or on behalf of the
 7 Attorney General of the United States, or appro-
 8 priate Federal regulator authorized under paragraph
 9 (2), for a violation of this section, no State may,
 10 during the pendency of that action, institute an ac-
 11 tion under this section against any defendant named
 12 in the complaint in that action for such violation.

13 “(7) VENUE; SERVICE OF PROCESS.—

14 “(A) VENUE.—Any action brought under
 15 this subsection may be brought in the district
 16 court of the United States—

17 “(i) where the defendant resides;

18 “(ii) where the defendant is doing
 19 business; or

20 “(iii) that meets applicable require-
 21 ments relating to venue under section 1391
 22 of title 28.

23 “(B) SERVICE OF PROCESS.—In an action
 24 brought under this subsection, process may be
 25 served in any district in which the defendant—

1 “(i) resides;
 2 “(ii) is doing business; or
 3 “(iii) may be found.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
 5 at the beginning of chapter 47 of title 18, United States
 6 Code, is amended by inserting after the item relating to
 7 section 1028 the following new item:

“1028A. Treatment of identity theft mitigation.”.

8 **SEC. 4. AMENDMENTS TO THE FAIR CREDIT REPORTING**
 9 **ACT.**

10 (a) CONSUMER REPORTING AGENCY BLOCKING OF
 11 INFORMATION RESULTING FROM IDENTITY THEFT.—
 12 Section 611 of the Fair Credit Reporting Act (15 U.S.C.
 13 1681*i*) is amended by adding at the end the following:

14 “(e) BLOCK OF INFORMATION RESULTING FROM
 15 IDENTITY THEFT.—

16 “(1) BLOCK.—Except as provided in para-
 17 graphs (4) and (5) and not later than 30 days after
 18 the date of receipt of—

19 “(A) proof of the identity of a consumer;
 20 and

21 “(B) an official copy of a police report evi-
 22 dencing the claim of the consumer of identity
 23 theft,

24 a consumer reporting agency shall block the report-
 25 ing of any information identified by the consumer in

1 the file of the consumer resulting from the identity
2 theft, so that the information cannot be reported.

3 “(2) REINVESTIGATION.—A consumer reporting
4 agency shall reinvestigate any information that a
5 consumer has requested to be blocked under para-
6 graph (1) in accordance with the requirements of
7 subsections (a) through (d).

8 “(3) NOTIFICATION.—A consumer reporting
9 agency shall, within the time period specified in sub-
10 section (a)(2)(A)—

11 “(A) provide the furnisher of the informa-
12 tion identified by the consumer under para-
13 graph (1) with the information described in
14 subsection (a)(2); and

15 “(B) notify the furnisher—

16 “(i) that the information may be a re-
17 sult of identity theft;

18 “(ii) that a police report has been
19 filed;

20 “(iii) that a block has been requested
21 under this subsection; and

22 “(iv) of the effective date of the block.

23 “(4) AUTHORITY TO DECLINE OR RESCIND.—

24 “(A) IN GENERAL.—A consumer reporting
25 agency may at any time decline to block, or

1 may rescind any block, of consumer information
2 under this subsection if—

3 “(i) in the exercise of good faith and
4 reasonable judgment, the consumer report-
5 ing agency finds that—

6 “(I) the block was issued, or the
7 request for a block was made, based
8 on a misrepresentation of fact by the
9 consumer relevant to the request to
10 block; or

11 “(II) the consumer knowingly ob-
12 tained possession of goods, services, or
13 money as a result of a transaction for
14 which a block has been requested, or
15 the consumer should have known that
16 the consumer obtained possession of
17 goods, services, or money as a result
18 of a transaction for which a block has
19 been requested; or

20 “(ii) the consumer agrees that the
21 blocked information or portions of the
22 blocked information were blocked in error.

23 “(B) NOTIFICATION TO CONSUMER.—If
24 the block of information is declined or rescinded
25 under this paragraph, the affected consumer

1 shall be notified, in the same manner and with-
 2 in the same time period as consumers are noti-
 3 fied of the reinsertion of information under sub-
 4 section (a)(5)(B).

5 “(C) SIGNIFICANCE OF BLOCK.—For pur-
 6 poses of this paragraph, if a consumer report-
 7 ing agency rescinds a block, the presence of in-
 8 formation in the file of a consumer prior to the
 9 blocking of such information is not evidence of
 10 whether the consumer knew or should have
 11 known that the consumer obtained possession of
 12 any goods, services, or monies as a result of the
 13 transaction that was blocked.

14 “(5) EXCEPTION.—A consumer reporting agen-
 15 cy shall not be required to comply with this sub-
 16 section when such agency is issuing information for
 17 authorizations, for the purpose of approving or proc-
 18 essing negotiable instruments, electronic funds
 19 transfers, or similar methods of payment, based sole-
 20 ly on negative information, including—

21 “(A) dishonored checks;

22 “(B) accounts closed for cause;

23 “(C) substantial overdrafts;

24 “(D) abuse of automated teller machines;

25 or

1 “(E) other information which indicates a
2 risk of fraud occurring.”.

3 (b) FALSE CLAIMS.—Section 1028 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(j) Any person who knowingly falsely claims to be
7 a victim of identity theft for the purpose of obtaining the
8 blocking of information by a consumer reporting agency
9 under section 611(e)(1) of the Fair Credit Reporting Act
10 (15 U.S.C. 1681i(e)(1)) shall be fined under this title, im-
11 prisoned not more than 3 years, or both.”.

12 (c) STATUTE OF LIMITATIONS.—

13 (1) IN GENERAL.—Section 618 of the Fair
14 Credit Reporting Act (15 U.S.C. 1681p) is amended
15 to read as follows:

16 **“SEC. 618. JURISDICTION OF COURTS; LIMITATION ON AC-**
17 **TIONS.**

18 “(a) IN GENERAL.—Except as provided in sub-
19 sections (b) and (c), an action to enforce any liability cre-
20 ated under this title may be brought in any appropriate
21 United States district court without regard to the amount
22 in controversy, or in any other court of competent jurisdic-
23 tion, not later than 2 years from the date of the defend-
24 ant’s violation of any requirement under this title.

1 “(b) WILLFUL MISREPRESENTATION.—In any case
 2 in which the defendant has materially and willfully mis-
 3 represented any information required to be disclosed to an
 4 individual under this title, and the information misrepre-
 5 sented is material to the establishment of the liability of
 6 the defendant to that individual under this title, an action
 7 to enforce a liability created under this title may be
 8 brought at any time within 2 years after the date of dis-
 9 covery by the individual of the misrepresentation.

10 “(c) IDENTITY THEFT.—An action to enforce a liabil-
 11 ity created under this title may be brought not later than
 12 5 years from the date of the defendant’s violation if—

13 “(1) the plaintiff is the victim of an identity
 14 theft; or

15 “(2) the plaintiff—

16 “(A) has reasonable grounds to believe
 17 that the plaintiff is the victim of an identity
 18 theft; and

19 “(B) has not materially and willfully mis-
 20 represented such a claim.”.

21 “(2) EFFECTIVE DATE.—The amendments made
 22 by this subsection shall take effect 2 years from the
 23 date of enactment of this Act.

1 **SEC. 5. COORDINATING COMMITTEE STUDY OF COORDINA-**
2 **TION BETWEEN FEDERAL, STATE, AND LOCAL**
3 **AUTHORITIES IN ENFORCING IDENTITY**
4 **THEFT LAWS.**

5 (a) MEMBERSHIP; TERM.—Section 2 of the Internet
6 False Identification Prevention Act of 2000 (18 U.S.C.
7 1028 note) is amended—

8 (1) in subsection (b), by striking “and the Com-
9 missioner of Immigration and Naturalization” and
10 inserting “the Commissioner of Immigration and
11 Naturalization, the Chairman of the Federal Trade
12 Commission, the Postmaster General, and the Com-
13 missioner of the United States Customs Service,”;
14 and

15 (2) in subsection (c), by striking “2 years after
16 the effective date of this Act.” and inserting “on De-
17 cember 28, 2005.”.

18 (b) CONSULTATION.—Section 2 of the Internet False
19 Identification Prevention Act of 2000 (18 U.S.C. 1028
20 note) is amended—

21 (1) by redesignating subsection (d) as sub-
22 section (e); and

23 (2) by inserting after subsection (c) the fol-
24 lowing:

25 “(d) CONSULTATION.—In discharging its duties, the
26 coordinating committee shall consult with interested par-

1 ties, including State and local law enforcement agencies,
 2 State attorneys general, representatives of business enti-
 3 ties (as that term is defined in section 4 of the Identity
 4 Theft Victims Assistance Act of 2003), including tele-
 5 communications and utility companies, and organizations
 6 representing consumers.”.

7 (c) REPORT DISTRIBUTION AND CONTENTS.—Sec-
 8 tion 2(e) of the Internet False Identification Prevention
 9 Act of 2000 (18 U.S.C. 1028 note) (as redesignated by
 10 subsection (b)) is amended—

11 (1) by striking paragraph (1) and inserting the
 12 following:

13 “(1) IN GENERAL.—The Attorney General and
 14 the Secretary of the Treasury, at the end of each
 15 year of the existence of the coordinating committee,
 16 shall report on the activities of the coordinating
 17 committee to—

18 “(A) the Committee on the Judiciary of
 19 the Senate;

20 “(B) the Committee on the Judiciary of
 21 the House of Representatives;

22 “(C) the Committee on Banking, Housing,
 23 and Urban Affairs of the Senate; and

24 “(D) the Committee on Financial Services
 25 of the House of Representatives.”;

1 (2) in subparagraph (E), by striking “and” at
2 the end; and

3 (3) by striking subparagraph (F) and inserting
4 the following:

5 “(F) a comprehensive description of Fed-
6 eral assistance provided to State and local law
7 enforcement agencies to address identity theft;

8 “(G) a comprehensive description of co-
9 ordination activities between Federal, State,
10 and local law enforcement agencies that address
11 identity theft; and

12 “(H) recommendations in the discretion of
13 the President, if any, for legislative or adminis-
14 trative changes that would—

15 “(i) facilitate more effective investiga-
16 tion and prosecution of cases involving—

17 “(I) identity theft; and

18 “(II) the creation and distribu-
19 tion of false identification documents;

20 “(ii) improve the effectiveness of Fed-
21 eral assistance to State and local law en-
22 forcement agencies and coordination be-
23 tween Federal, State, and local law en-
24 forcement agencies; and

1 “(iii) simplify efforts by a person nec-
2 essary to rectify the harm that results
3 from the theft of the identity of such per-
4 son.”.

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